



County of Los Angeles CHIEF EXECUTIVE OFFICE

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August 29, 2012

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From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

Executive Summary

This memorandum contains information on the following:

- **Pursuit of County Position on SB 1118 (Hancock).** This measure would establish the Mattress Recovery and Recycling Act requiring mattress manufacturers to develop, finance and implement a program to collect and recycle used mattresses. Consistent with Board policy to support legislation that places greater emphasis on producer/manufacturer responsibility for the environmental impact of their products and the waste that is produced, and shifts end-of-life management and financial responsibilities from local governments to producers in order to reduce public costs and encourage improvements in product design that promote environmental sustainability, **the Sacramento advocates will support SB 1118.**
- **Change in Advocacy Position on County-opposed AB 1203 (Mendoza).** This measure, which would have extended provisions of the Meyers-Milias-Brown Act governing paid leaves of absence for classified school employees and local public agency employees who are representatives of public employee organizations, was amended on August 23, 2012, to delete provisions regarding local public agency employees. As amended, this measure would apply only to representatives of classified school and community college district employee

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organizations. Therefore, unless otherwise instructed by the Board, the County will remove opposition to AB 1203 and take no position on this measure.

- **Status of County-Advocacy Legislation**

- **County-supported AB 1907 (Lowenthal)** – related to the administration of psychiatric medications for jail inmates passed the Assembly and now proceeds to the Governor.
- **County-opposed AB 1968 (Wieckowski)** – related to the arming of probation officers passed the Assembly and now proceeds to the Governor.
- **County-supported AB 2109 (Pan)** – related to exemptions from immunizations for school-aged children passed the Assembly Floor and now proceeds to the Governor.

- **Legislation of County Interest**

- **AB 345 (Torres)** – related to the expenditure of Low and Moderate Income Housing Funds passed the Assembly and now proceeds to the Governor.

Pursuit of County Position on Legislation

SB 1118 (Hancock), which would establish the Mattress Recovery and Recycling Act (Act), was amended in the Assembly on August 24, 2012. The bill would require manufacturers of mattresses sold in this State to develop, finance and implement a convenient and cost effective program to collect and recycle used mattresses. Specifically, SB 1118 would:

- Help reduce illegal dumping, increase recycling and substantially reduce public agency costs for end-of-life management of used mattresses;
- Require mattress manufacturers to submit a stewardship plan to CalRecycle by April 1, 2014, consistent with existing State policy. The plan would have a goal of recycling at least 75 percent of used mattresses in California by January 1, 2020;

- Provide consumers with convenient, no-cost opportunities to recycle mattresses, including upon delivery of a new mattress, or when dropped off at a recycling facility or solid waste facility;
- Give CalRecycle the authority to consider a manufacturer's proposed recovery and recycling plan and determine if it is in compliance. A manufacturer would be required to implement its plans by July 1, 2014; and
- Provide a quarterly administrative payment to CalRecycle by mattress manufacturers.

The Department of Public Works (DPW) indicates that while current law prohibits illegal dumping and there are several statutes that regulate the recycling or disposal of other forms of solid waste, there is no statute addressing the problem of illegally dumped mattresses. DPW further notes that communities across the County are experiencing an increased number of illegally dumped mattresses, especially given the foreclosure crisis resulting from the recent recession. For example, the City of Los Angeles estimates that it recovers 120-150 illegally dumped mattresses every day. The accumulation of these used mattresses in public spaces, especially if left for long periods of time, can pose a serious public health problem. Used mattresses can be a breeding ground for mold and pests. The costs of illegally dumped mattresses are both a risk to public health and a burden on financially strapped cities.

Within the County's unincorporated areas, the burden of removing illegally dumped mattresses falls to the Department of Public Work's Road Maintenance Division crews. The provisions of SB 1118 would reduce illegal dumping, increase recycling, and substantially reduce public agency costs for end-of-life management of used mattresses. By providing consumers with convenient, no-cost opportunities to recycle, the amount of resources spent by DPW removing illegally dumped mattresses would be reduced. The exact cost savings to the County is unknown at this time.

The Department of Public Works and this office support SB 1118. Therefore, consistent with Board policy to support legislation that places greater emphasis on producer/manufacturer responsibility for the environmental impact of their products and the waste that is produced, and shifts end-of-life management and financial responsibilities from local governments to producers, in order to reduce public costs and encourage improvements in product design that promote environmental sustainability, **the Sacramento advocates will support SB 1118.**

SB 1118 is supported by the California Retailers Association, Californians Against Waste, the California Product Stewardship Council, City of Oakland, City of Richmond,

City of San Francisco, Environment California, National Resources Defense Council, Recology, Republic Services, Inc., and Waste Management. The bill is opposed by the California Chamber of Commerce and International Sleep Products Association.

SB 1118 is currently pending hearing in the Assembly Natural Resources Committee.

Change in County Position on Legislation

County-opposed AB 1203 (Mendoza), which would have extended provisions of the Meyers-Milias-Brown Act governing paid leaves of absence for classified school employees and local public agency employees who are representatives of public employee organizations, was amended on August 23, 2012, to delete the provisions regarding local public agency employees. As amended, this measure would apply only to representatives of classified school and community college district employee organizations.

The County opposed AB 1203, as previously amended, because the measure would have required the County to release employees for any kind of employee organization activity without regard to service needs, consistent with existing Board policy to oppose adverse State actions on the County, and to oppose any abridgement or elimination of the Board of Supervisors' power and duties unless it promotes a higher priority of the Board. Therefore, because provisions related to representatives of local public employee organizations have been deleted from the bill, **unless otherwise instructed by the Board, the County will remove opposition to AB 1203 and take no position on this measure.**

Status of County-Advocacy Legislation

County-supported AB 1907 (Lowenthal), which as amended on August 9, 2012, would reduce the timeframe for jail inmates to receive psychiatric medications to improve their mental health, passed the Assembly by a vote of 78 to 0 on August 28, 2012. This measure now proceeds to the Governor.

County-opposed AB 1968 (Wieckowski), which as amended on August 22, 2012, would require a chief probation officer in a county that does not arm its probation officers or does not have an arming policy in place by January 1, 2013, to develop a policy of arming probation officers who supervise high-risk probationers by June 30, 2013 and to implement that arming policy by December 31, 2013, passed the Assembly by a vote of 70 to 0 on August 29, 2012. This measure now proceeds to the Governor.

County-supported AB 2109 (Pan), which as amended on August 20, 2012, would require a separate form by the California Department of Public Health to accompany a letter or affidavit to exempt a child from school immunization requirements because they are contrary to the beliefs of the child's parent or guardian, passed the Assembly by a vote of 51 to 29 on August 27, 2012. This measure now proceeds to the Governor.

Legislation of County Interest

AB 345 (Torres), which as amended on August 21, 2012 relates to how redevelopment agencies spend their Low and Moderate Income Housing Funds (LMIHF), passed the Assembly by a vote of 65 to 0 on August 29, 2012. This measure now proceeds to the Governor.

As previously reported, AB 345 is identical to **County-supported SB 450 (Lowenthal)** which passed the Legislature last year but was vetoed by the Governor in September 2011. As amended, AB 345 would enact a comprehensive set of reforms to the laws governing the use of LMIHF. If enacted, the provisions of AB 345 would become operative on January 1, 2018.

Specifically, AB 345 would:

- Require redevelopment agencies (RDAs) to include information regarding major audit violations as well as planning and administrative expenses of the LMIHF as part of their annual report;
- Require the California Department of Housing and Community Development to conduct audits of RDAs to ensure compliance with the housing provisions of the Community Redevelopment Law (CRL);
- Make changes to which costs and expense may be considered planning and administrative costs charged to the LMIH; and
- Require that at least 75 percent of the RDA's expenditures from the LMIHF directly assist in the construction, acquisition, and rehabilitation, or preservation of housing for persons of extremely low, very low, low or moderate income.

The purpose of this bill is to enact LMIHF reform measures in anticipation of the creation of the Sustainable Communities Investment Authorities (Authorities) that would be created under SB 1156 (Steinberg), if passed and signed by the Governor. The new agencies that would be created under SB 1156 would be required to comply with most of the provisions of the CRL including: the requirement to set-a-side 20 percent of any tax increment collected in a community sustainable investment area for the creation and preservation and rehabilitation of low and moderate-income housing.

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AB 345 would implement the LMIHF reforms to the CRL with a delayed implementation of five years in an effort to insure that the newly formed Authorities are maximizing the use of property taxes that are collected for community redevelopment as proscribed by this bill to create affordable housing. According to the author, the five-year delayed implementation is necessary to avoid conflicts with the existing process of winding down redevelopment agencies. The Assembly Floor analysis notes that it is unlikely that the new Authorities will collect any or significant tax increment in the next five years, as property taxes will go to pay for the remaining enforceable obligations of former redevelopment agencies. Additionally, the five-year delayed implementation allows for a review of the CRL to determine what provisions should continue to apply to successor agencies and successor housing agencies and which provisions should be phased out.

We will continue to keep you advised.

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MR:KA:IGEA:ma

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